

**Government of Jammu and Kashmir
Industries & Commerce Department
Civil Secretariat, J&K, Jammu**

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Subject: Complaint against Mohammad Akbar Malik, retired Assistant Director, Handloom, Kupwara.

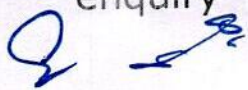
Ref: U.O No. GAD-VIGORDA/38/2022-02-GAD dated 22.08.2022 received from General Administration Department.

**Government Order No: 50 - (JK) IND of 2023
Dated: 14.02.2023**

WHEREAS, one Mr. Mohammad Akbar Malik who was working as Incharge Assistant Director in the Handloom Development Department, and was holding a Non-Gazetted post of Supervisor in substantive basis, retired on 30.04.2009;

WHEREAS, a communication bearing No. ACB-PE-KG-76/2002-12530-31 dated 30.06.2021 was received from Anti Corruption Bureau, J&K wherein it has been stated that in the year 2004, vide letter No. 477-79-SSP-SLK-PE dated 23.01.2004, Industries and Commerce Department was requested to initiate the Departmental action against Mohammad Akbar Malik, the then Assistant Director, Handicrafts, Leh (now retired) with regard to written complaint lodged in the Vigilance Organization by one Mr. Gh. Mohi-uddin Mir S/o Abdul Ahad Mir R/o Janawari Sopore alleging therein that Mr. Mohammad Akbar Malik, the then Assistant Director, Handicrafts, Leh has demanded and accepted Rs.50,000/- from the brother of the complainant namely Mr. Mohammad Ayoub Mir for issuing the appointment order in favour of his brother.

WHEREAS, the other documents provided by the Anti Corruption Bureau reveal that in ACB, Mr. Syed Kifayat Haider, Senior Superintendent of Police supervised the enquiry and informed his superior that after having conducted detailed enquiry into the matter, it has been established that Shri



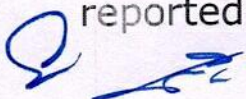
174090/2028 Mohammad Akbar Malik, Assistant Director Handicrafts Leh has issued illegal appointment Order No. 539/2001 dated 07.12.2001 in favour of Mohammad Ayoub Mir and Naseer Ahmed Yatoo as Craft Teacher after receiving illegal gratification of Rs. 50,000/- and closed the enquiry as "proved" and recommended for registration of formal case under section 5(2) P.C. Act 2006 read with 161 R.P.C.

WHEREAS, vide this Department's letter No. IC-HHD/50/2021-02 dated 23.06.2021, the Director, Handicrafts and Handloom, Kashmir was requested to furnish a detailed report in the matter who vide letter No DHHK/Estt/II/8988 dated 30.11.2021 has informed that the office of Assistant Director Handloom, Kupwara has communicated that there is no complaint pending or received against the Officer from any quarter as has been verified from available records.

WHEREAS, Mr. Mohammad Akbar Malik attained the age of superannuation on 30.04.2009 and the department has sought vigilance status of the Officer from General Administration Department. The General Administration Department (Vig) vide No. GAD (Vig) 25-NOC/05-I&C dated 30.06.2009 have intimated that there is nothing adverse available in the records against the officers of the Handloom Department including Mr. Mohammad Akbar Malik;

WHEREAS, Mr. Mohammad Akbar Malik, Assistant Director Handloom Department, now retired, was one amongst the Officers falling in the zone of consideration for confirmation of his promotion as Assistant Director Handloom and the latest vigilance Status of the Officer was required to be furnished to J&K PSC for his confirmation;

WHEREAS, latest Vigilance status of Mr. Mohammad Akbar Malik, the then Assistant Director was sought from General Administration Department (Vigilance) who vide O.M. No GAD(Vig)18-NOC/2018-I&C-II dated 02.08.2018 have reported that there is no FIR/PE pending against the officials of



174090/2028 Handloom Department including Mr. Mohammad Akbar Malik, retired Assistant Director.

WHEREAS, the proposal regarding confirmation of promotion of Assistant Directors of Handloom Department remained under consideration/ correspondence between I&C Department and J&K PSC for want of certain clarifications by the Commission for a time longer than 06 months, the Vigilance status furnished by GAD(Vig) vide letter dated 02.08.2018 warranted renewal and hence the ACB J&K was requested in 2021 to furnish the revised vigilance status of the Officials of Handloom Department.

WHEREAS, the General Administration Department (Vig) vide O.M.No. GAD (Vig)18-NOC/I&C dated 05.04.2021 informed that Mr. Mohammad Akbar Malik, retired Assistant Director in the office of Joint Director, Handloom Srinagar is involved in PE No KG-76/2002 and departmental action was recommended against the Official vide ACB letter No 477-79-SSP-SLK-PE dated 23.01.2004.

WHEREAS, the matter was taken-up with the General Administration Department for opinion viz-a-viz the available circumstances and the proceedings ahead in light of the guidelines issued by the GAD. The GAD vide U.O.No.GAD(Vig)0RDA/38/2022-02-GAD dated 22.08.2022 has clarified as under:-

"Returned. On perusal of the departmental e-file of Industries & Commerce Department, it transpires that the Department has not taken any action in the case during the period Mr. M.A. Malik has retired from Government service in the year 2009 i.e. nearly 13 years ago, as such, provisions of Article 168-A of J&K CSRs are attracted in his case.

The Department is, accordingly, advised to conclude the case in terms of Article 168-A of J&K CSRs by issuing a speaking Government Order as envisaged in Circular instructions issued, vide Circular No.24-JK(GAD) of 2021

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dated 17.07.2021, by the GAD regarding conduct of Departmental Enquiries/RDA cases.

The Department is further advised to strictly adhere to the procedure/guidelines for conducting RDAs in terms of J&K CS(CCA) Rules as well as instructions issued by the GAD on the subject besides, following the timelines specified for the purpose in letter & spirit, in order to avoid violations of the guidelines/procedures in future".

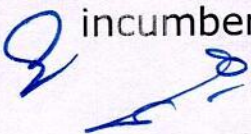
WHEREAS, Article 168-A of the J&K CSRs Vol-reads as under:-

"The Government reserves to itself the right to order the recovery from the pension of an Officer of an amount on account of losses found in judicial or departmental proceedings to have been caused to Government by the negligence or fraud of such Officers during his Service provided that:-

Such departmental proceedings if not instituted while the officer was on duty-

- I. Shall not be instituted save with the sanction of the Government;*
- II. Shall be instituted before the Officer's retirement from service or within a year from the date on which he was last on duty, which-ever is later.*
- III. Shall be in respect of an event which took place not more than one year before the date on which the officer was last on duty; and*
- IV. Shall be conducted by such authority and in such places as the Government may direct.*

WHEREAS, in terms of opinion of General Administration Department, the case was further examined and it has been observed by the authorities that since the incumbent has retired from the Government Service, so no



174090/2023 action is tenable at this point of time in terms of Article 168-A of J&K CSRs Vol-I and the opinion tendered by General Administration Department.

NOW THEREFORE, in view of the opinion rendered by the General Administration Department and in terms of Article 168-A of J&K CSRs Vol-I, no action is tenable to at this point of time and thus the instant case is closed.

By order of Government of Jammu & Kashmir.

Sd/-
(Prashant Goyal)
Principal Secretary to the Government

IC-HHD/50/2021-02

Dated: 14.02.2023

Copy to : -

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
2. Commissioner/Secretary to the Government, General Administration Department, Jammu.
3. AIG(Hqrs) for Director, Anti Corruption, J&K
4. S.S.P, Vigilance Organization, Kashmir.
5. Director, Archives Archaeology and Museums, J&K.
6. Director, Handicraft and Handloom, Kashmir for information and necessary action.
7. Private Secretary to Principal Secretary to the Government, Industries & Commerce Department for information of the Principal Secretary.
8. Concerned.
9. Incharge Website, I&C Department.
10. Government Order file (w.3.s.c).


14/02/23
(Anil Sharma)

Under Secretary to the Government